



## **FTC APPROACH TO QUALIFIED HEALTH CLAIMS FOR DIETARY SUPPLEMENTS**

**FDA Public Meeting on *Pearson* Decision  
Washington, D.C.  
April 4, 2000**

**Michelle Rusk  
Federal Trade Commission  
Bureau of Consumer Protection**



## **OVERVIEW**

**FTC Policy on Qualified Health Claims  
Content of Effective Qualifiers  
Clarity/Prominence of Qualifiers  
Bottom Line: Consumer Understanding**



## FTC Policy on Qualified Health Claims

Unqualified health claims must generally be supported by significant scientific agreement. Claims based on strong, emerging science are permissible if adequately qualified.

- ◆ Qualifiers must clearly communicate limitations of the science and any contrary evidence.

Exception: if the weight of the evidence runs contrary to the claim, even qualified claim is prohibited.



## Content of Effective Qualifiers

### Challenges

- ◆ Messages need to be simple and brief
- ◆ Negative information is hard to reconcile with positive claim
- ◆ Discussion of emerging science involves complex, technical nuances



## FTC Food Copy Test

Claims based on emerging science require strong, specific and direct qualifiers.

E.g., “It’s too early to tell for sure...; Some recent studies have failed to show...; Longer term research is needed.”

“May” not effective.

More preliminary science would require even stronger qualification.



## “Clear and Conspicuous”

Presentation is as important as content.

Placement: proximity to claim\*

Prominence: type size, contrast\*

Distracting Elements: clutter/  
contradictory messages

Clarity: avoid technical jargon

\*Asterisks and fine print footnotes are not effective.



## Importance of Consumer Data

Extrinsic evidence is important to ensure disclosures are effective.

Apply a performance standard: i.e., do consumers actually notice and understand disclosure?